



## Legislation Text

File #: 22-1066, Version: 1

### ..Title

**Dept/ Agency:** Administration/Division of Central Purchasing

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Bid Contract(s)

**Purpose:** To purchase Cement and Plaster Mixes, Sacked.

**Entity Name(s)/Address(s):** Extech Building Materials, Inc., d/b/a Liberty Building Products, 69 Avenue K, Newark, New Jersey 07105

**Contract Amount:** Not to exceed \$145,000.00

**Funding Source:** 2022 Budget/Department of Engineering, Division of Traffic and Signals/NW011-110-1107-83720-B2022/Department of Public Works, Division of Public Buildings/NW011-060-0604-83410-B2022/Department of Water and Sewer Utilities/NW037-750-7502-83410-B2022

**Contract Period:** To be established for a period not to exceed twenty-four (24) consecutive months commencing upon full contract execution

**Contract Basis:** (X) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

### Additional Information:

This contract will provide Cement and Plaster Mixes, Sacked for the Departments of Engineering, Division of Traffic and Signals, Public Works, Division of Public Buildings and Water and Sewer Utilities.

Advertisement Date: August 26, 2020

Bids Solicited: Twenty-Three (23)

Bids Received: One (1)

**WHEREAS**, on August 26, 2020, the City of Newark through its Purchasing Agent, QPA, advertised to solicit bids for contractors to provide Cement and Plaster Mixes, Sacked for the Departments of Engineering/Division of Traffic and Signals, Public Works/Division of Public Buildings and Water and Sewer Utilities, as described in the attached bid proposal; and

**WHEREAS**, the Division of Central Purchasing distributed twenty-three (23) bid proposal packages to prospective vendors following the date of advertisement; and

**WHEREAS**, the Division of Central Purchasing also published the bid package on the City of Newark's website to provide broader access and download capability to potential bidders; and

**WHEREAS**, on September 10, 2020, the Division of Central Purchasing received one (1) bid in response to this advertisement; and

**WHEREAS**, the Department of Engineering/Division of Traffic and Signals, the Department of Public Works/Division of Public Buildings and the Department of Water and Sewer Utilities

recommended that an award be made to Extech Building Materials, Inc. d/b/a Liberty Building Products, 69 Avenue K, Newark, New Jersey 07105, the only responsive and responsible bidder; and

**WHEREAS**, the Purchasing Agent, QPA, concurs with the recommendations from the Department of Engineering/Traffic and Signals, the Department of Public Works/Division of Public Buildings and the Department of Water and Sewer Utilities that a single award be made to: Extech Building Materials, Inc. d/b/a Liberty Building Products, 69 Avenue K, Newark, New Jersey 07105, the only responsive and responsible bidder; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-24, the recommended bidder consented to holding the bid for consideration until such time as an award is made, as the law permits; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 et seq., solicitations through public bidding in accordance with N.J.S.A. 40A:11-1 et seq. meets the requirements of the fair and open process.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designee, the Business Administrator, and/or the Qualified Purchasing Agent, QPA, are hereby authorized to enter into and execute a contract with: Extech Building Materials, Inc. d/b/a Liberty Building Products, 69 Avenue K, Newark, New Jersey 07105, to provide Cement and Plaster Mixes, Sacked, to the City's Departments of Engineering/Division of Traffic and Signals, Public Works/Division of Public Buildings and Water and Sewer Utilities, whose bid was received on the advertised due date and determined to be the only responsive and responsible bidder in accordance with the bid specifications bidder. The term of the contract will be established for twenty-four (24) consecutive months, pursuant to N.J.S.A. 40A:11-15, to commence on the date the contract is executed, at a cost not to exceed One Hundred Forty-Five Thousand Dollars and Zero Cents (\$145,000.00).
2. There shall be no amendment or change of this contract without the approval of the Municipal Council.
3. There shall be no advance payment on this contract in accordance with N.J.S.A. 40A:5-16. Funds for 2020 and subsequent years are contingent upon appropriations, pursuant to N.J.A.C. 5:30-5.5(d)(2).
4. This is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, a certification of the availability of sufficient funds, as required by N.J.A.C. 5:30-5.5(b)(2), shall be executed before a contractual liability is incurred each time an order is placed from Account Code Line: Department of Engineering/Division of Traffic and Signals NW011-110-1107-83720-B2022; Department of Public Works/Division of Public Buildings NW060-0604-83410-B2022; and Department of Water and Sewer Utilities NW037-750-7505-83410-B2022, covering the amount or the order. This contract shall not exceed One Hundred Forty-Five Thousand Dollars and Zero Cents (\$145,000.00) for a period to be established and not to exceed twenty-four (24) consecutive months for one (1) vendor with the start date of the contract commencing upon fully executed contract .
5. The Purchasing Agent, QPA, shall file a copy of this resolution and the duly executed copy of

the contract in the Office of the City Clerk.

6. If required by State Law, the City Clerk shall provide the appropriate notice of the award of this contract to the State Comptroller, no later than twenty (20) business days following such award, in accordance with N.J.S.A. 52:15C-10 and the Notice of the Office of the State Comptroller dated May 7, 2008.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Business Administrator, and/or the Qualified Purchasing Agent to enter into and execute a contract with: Extech Building Materials, Inc. d/b/a Liberty Building Products, 69 Avenue K, Newark, New Jersey 07105, to provide, Cement and Plaster Mixes, Sacked, to the City's Departments of Engineering/Division of Traffic and Signals, Public Works/Division of Public Buildings and Water and Sewer Utilities, at a cost not to exceed One Hundred Forty-Five Thousand Dollars and Zero Cents (\$145,000.00) for a period to be established and not to exceed twenty-four (24) consecutive months with the start date commencing upon fully executed contract.